

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9
10 R&D FILM 1, LLC,

11 Plaintiff,

12 v.

13 DOES 1 - 16,

14 Defendants.

15 Case No. C13-0057RSL

16 **ORDER GRANTING LEAVE FOR**
17 **PRELIMINARY DISCOVERY**

18
19 This matter comes before the Court on plaintiff's "Motion for Leave to
20 Take Discovery Prior to Rule 26(f) Conference." Dkt. # 3. Because plaintiff cannot
21 identify the Doe defendants without taking discovery from internet service providers
22 regarding each defendant's IP address, plaintiff's motion is GRANTED.

23
24 Plaintiff may initiate discovery, including the issuance of subpoenas under
25 Fed. R. Civ. P. 45, on internet service providers seeking information sufficient to identify
26 each Doe defendant, including his or her name, address, email address, and Media Access
 Control address. An internet service provider ("ISP") served with a subpoena authorized
 by this Order shall give written notice, which includes email notice, and a copy of the
 subpoena to any affected subscriber(s) as soon as possible after service of the subpoena.
 The ISP and/or any affected subscriber(s) shall have thirty (30) days from the date of

1 service of the subpoena on the ISP to object to the subpoena pursuant to Fed. R. Civ. P.
2 45(c)(2)(B). The ISP shall not disclose defendants' identifying information during the
3 30-day period or if a timely objection is served unless and until the Court orders it to do
4 so. If an objection is served, the ISP shall preserve any material responsive to the
5 subpoena for a period of six months in order to allow plaintiff to move for an order
6 compelling production under Fed. R. Civ. P. 45(c)(2)(B)(i). If no objection is served, the
7 ISP shall comply with the subpoena within ten (10) days.

8
9 Plaintiff shall provide a copy of this Order with each subpoena issued
10 pursuant thereto.

11
12 Dated this 14th day of February, 2013.

13 
14

15 Robert S. Lasnik
16 United States District Judge
17
18
19
20
21
22
23
24
25
26